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Dated: August 1, 2008

Electronic Signature for Christine C. O'Day: /Christine C. O'Day/

Docket No.: 58399(47171)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Paul Sabin et al.

Application No.: 10/535,559

Confirmation No.: 7699

Filed: January 4, 2006

Art Unit: 1795

For: MEMBRANE BASED ELECTROCHEMICAL
CELL STACKS

Examiner: T. H. Parsons

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 CFR 1.132

The undersigned declares as follows:

1. I, Paul Osenar, a resident of the United States, hereby declare that I am familiar with claims 1-42 recited in the above-identified application (hereinafter the "Claims"). I am an inventor or co-inventor of one or more of the Claims.

2. I am also familiar with issued U.S. Patent No. 7,306,864, to Osenar et al. (hereinafter "the '864 Patent") and with World Publication No. WO 03/092096, to Osenar et al. (hereinafter, "the '096 Application").


3. I understand that the Examiner in the above-identified application has

asserted that some or all of the subject matter claimed in the instant application is taught by the '864 Patent and/or the '096 Application.

4. I am an inventor of one or more claims of each of the '864 Patent and the '096 Application. I can also confirm that any invention(s) disclosed but not claimed in the '864 Patent and the '096 Application are commonly owned with the present application. In particular, the subject matters of each of the above-identified application, the '864 Patent and the '096 Application all are commonly owned by Protonex Technology Corporation. As such, the '864 Patent and the '096 Application are not the work of another relative to the present application. Consequently, based on my understanding of 35 USC §102(e), the rejections of the Claims over the '864 Patent and the '096 Application should be withdrawn.

5. I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both (18 U.S.C. 1001), and that such willful false statements may jeopardize the validity of the above-identified Application or any patent issued thereon.

Date: 8/1/08


Paul Osenar
Chief Technology Officer
Protonex Technology Corporation